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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/799,073 02/11/97 DAVIS

M ST996505

EXAMINER

TM02/1221

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ART UNIT

PAPER NUMBER

2152
DATE MAILED:

17
12/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/799,073

Applicant(s)
Davis

Examiner
Thong Vu

Group Art Unit
2152



☒ Responsive to communication(s) filed on Nov 15, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8, 10-21, and 23-32 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-8, 10-21, and 23-32 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

1. This office action is in response to Amendment C filed 11/15/2000. Claims 1-8,9-21 and 22-32 are pending. The rejections cited are as stated below.
2. The applicant arguments filed 11/15/2000 under 37 CFR 1.111 has been considered but is ineffective to overcome the Van Loom-Sheedy references.

As per claims 1,13,19,24,28,29,30 applicant argues the prior art taught the different protocol. Examiner point out the prior art taught the first protocol as lower, old fashion protocol version and a second (higher, modern) protocol version [Van Loom col 1 line 12-28].

Applicant argues the prior art did not teach the begin and end tags are generated and used in sending and receiving of information between modules. Examiner point out the prior art taught any version of a given file is included in an indexed line file and tagged by a unique line identifier [Sheedy col 32 line 35-40].

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8,10-21,23-32 are rejected under 35 U.S.C. 103 as being unpatentable over Van Loom et al [Van Loom 5,790,802] in view of Sheedy et al [Sheedy 4,912,637].

4. As per claim 1, Van Loom discloses a method of transmitting a data segment in a stream using a write module of the type which implements a selected one of a plurality of versions of a streaming protocol [col 3 line 18-24] outputting a first stream of data according to a first version of the streaming protocol [col 4 line 40-551; sequentially appending additional streams of data to

the first stream of data according to each subsequent version of the streaming protocol up to and including the selected version, if the selected version of the streaming protocol is not the first version of the streaming protocol [Van Loom col 10 line 63-col 11 line 16]. However Van Loom did not detail delimiting the data segment in the data stream begin and end tags. Sheedy taught a version management tool using a merging different version module with begin and end tags [Sheedy col 14 line 60-67]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the control tags as taught by Sheedy into the Van Loom's system in order to utilize the module or object code to record the version of streaming data.

5. As per claim 2, Van Loom-Sheedy disclose the step of receiving the data segment from a data stream. using a read module of the type which implements a second selected one of the plurality of versions of the streaming protocol, the receiving step including the steps of receiving the first stream of data; if the second selected version is earlier than the first selected version, receiving each additional stream data according to each subsequent version of the streaming protocol up to and including the second selected-version, and disregarding any remaining data in the data segment; if the second selected version is equal to or later than the first selected version, sequentially receiving the additional streams of data according to each subsequent version of the streaming protocol up to and including the second selected version testing , prior to receiving each additional stream of data, whether an end of the data segment has been detected, and if so, terminating reception of the data segment prior to receiving the additional stream of data according to the second selected version [Sheedy col 7 line 45-col 8 line 16; col 10 line 65-col 11 line 141.

6. As per claims 3,16 and 20, Van Loom-Sheedy disclose the data segment is an object or module [Sheedy col 4 line 15-27].
7. As per claim 4, Van Loom-Sheedy disclose the data segment includes all of the data necessary to reconstruct the object; wherein the data stream is serial as inherent feature of module [Sheedy col 4 line 15-27].
8. As per claims 5,17 and 21, Van Loom-Sheedy taught the testing includes the step of initializing object data that is not received from the data stream to a default value or original version [Sheedy col 14 line 25-30].
9. As per claims 6 and 18, Van Loom-Sheedy disclose the transmitting an object type or version type for the data segment; and receiving the object type, including the steps of allocating and initializing an object when receiving the data segment based upon the object type [Van Loom col 1 line 50-60].
10. As per claims 7-8, Van Loom-Sheedy taught the write module or read modules reside on same or different computer such as client and server as a design choice of module [Sheedy col 4 line 15-27].
11. As per claim 10, Van Loom-Sheedy disclose no additional tags are embedded in the data segment between the begin and tags as a design choice of module [Sheedy col 14 line 60-67].
12. As per claim 11, Van Loom-Sheedy disclose determining whether the data segment is stored in a current context for the data stream; if so, transmitting an alias tag in lieu of segment; and not, storing the data segment in the current context as a design choice of merging record [Sheedy col 10 line 65-col 11 line 5,30-45]
13. As per claim 12, Van Loom-Sheedy disclose the data is a non-random access data stream

as a design choice of module [Sheedy col 4 line 15-27].

14. As per claims 13, 19, 24, 28 and 29 contain the similar limitation of claim 1. By this rationale claims 13, 19, 24, 28 and 29 are rejected.

15. As per claim 30 contains the similar limitation of claim 2.

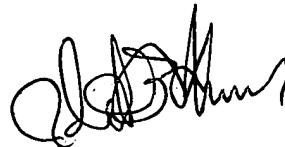
16. As per claims 31 and 32 Van Loom-Sheedy taught the step of testing for a premature end tag and terminating the reception of the data segment when a premature end tag is received as inherent feature of end tag [Sheedy col 14 line 60-67].

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Thong Vu

Dec 18, 2000



ROBERT B. HARRELL
PRIMARY EXAMINER